

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAVID COOPER, et al.,

Plaintiff,

V.

CLARK COUNTY, NEVADA, et al.,

Defendants.

Case No. 2:10-CV-00763-KJD-GWF

ORDER

Presently before the Court is Defendants' Renewed Motion for Summary Judgment (#166). Plaintiff filed a response in opposition (#171) to which Defendants replied (#173).

I. Analysis

Defendants submitted five motions in limine (## 145 - 149) on September 11, 2015. This Court granted two of Defendants' motions in limine wherein the Court determined, as a matter of law, that Plaintiff had no claim against Defendants based upon alleged disparate enforcement of the Clark County Code at the licensing stage. Further, this Court expressly stated that Plaintiff must tender evidence that Clark County discriminated against him without a rational basis at the licensing stage. In other words, Plaintiff needed to provide admissible evidence that Defendants issued a business license to other businesses with knowledge that these businesses intended to operate as sex clubs. Plaintiff's argument was predicated upon the allegation that Defendants had knowledge of the nature of these businesses to which Plaintiff claimed he was similarly situated, after the permits were issued, however, this argument is not relevant as it fails to establish a plausible § 1983 claim for denial of rights protected by the Fourteenth Amendment.

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2 Plaintiff's response to Defendants' Renewed Motion for Summary Judgment once more,
3 fails to cite any law or develop a legal argument suggesting the Court committed error when
4 granting Defendants' motions in limine (#161 & #162). Further, Plaintiff has given notice that
5 he is voluntarily dismissing the first and third claims for relief regarding interference with
6 economic relations. (#171 at 4). Plaintiff also concurs with Defendants that the Court's
7 decisions regarding the motions in limine are dispositive as to Plaintiff's remaining claims as the
8 record is devoid of any evidence that Plaintiff was treated differently than any other business
9 license applicant at the licensing stage. (#171 at 5).

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11 **II. Conclusion**

12 Accordingly, Defendants' Renewed Motion for Summary Judgment (#166) is
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14 **GRANTED.**

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16 **IT IS SO ORDERED.**

17 DATED this 11th day of January 2016.

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Kent J. Dawson
United States District Judge